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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,670	02/11/2005	Kan Kawasaki	265898US3PCT	1527
22850	7590	10/05/2007	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			PICO, ERIC E	
			ART UNIT	PAPER NUMBER
			3654	
			NOTIFICATION DATE	DELIVERY MODE
			10/05/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/524,670

Applicant(s)

KAWASAKI ET AL.

Examiner

Eric Pico

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 is/are pending in the application.
- 4a) Of the above claim(s) 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/11/2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/14/06, 2/23/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the invention elected in the reply filed on 07/24/2007 is acknowledged. The traversal is on the ground(s) that "The outstanding Election Requirement simply requires to elect a single ultimate species and does not present particular reasons for such a requirement", "The outstanding Election Requirement omits any statement or basis for finding the claims "mutually exclusive"", and "there is no undue burden to the Examiner to search all the claims". This is not found persuasive because the outstanding Election Requirement states, "Species A-D disclose separate main rope and sheave configurations of an elevator. The species are separate embodiments that correspond to separate general inventive concepts". Furthermore, Applicant's assertion that "the Office Action acknowledges Claim 7 as generic" is without merit the Office Action states "No claim(s) are generic" on page 3 of the Office Action. Furthermore, claims 7 and 8 claim different diverting sheave configurations that would burden the Examiner to search all the claims.

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. Figure 13 and 14 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid

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abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claim 7 is objected to because of the following informalities: the phrase "case moving space" should read –cage moving space–. Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim(s) ~~1, 3~~^{7, 10} and ~~4~~¹⁰ is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. GB Patent Application No. 2352221 in view of Kobayashi et al. U.S. Patent No. 6247557 and Aulanko et al. U.S. Patent No. 5823298.

6. **Regarding claim 7**, Yang et al. discloses an elevator comprising: a cage 1 vertically moving in a cage moving space arranged in an elevator shaft, said cage 1 having a pair of right and left cage-side sheaves 120, 121; a counterweight 3 vertically moving in a counterweight moving space arranged in the elevator shaft and arranged

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near one of right and left side walls of the cage 1, said counterweight 3 having a counterweight-side sheave 123; a pair of right and left suspending sheaves 124, 125 disposed above the counterweight moving space; a diverting sheave 124 disposed in a top part of a lateral space arranged beside the cage moving space in the elevator shaft and arranged near the other of right and left side walls of the cage 1; a first upper sheave 11 disposed behind the diverting sheave 124; a hoist 100 having a drive sheave 122; a main rope 101 suspending the cage 1 through the pair of right and left cage-side sheaves 120, 121, having a first end fastened to a top part of the elevator shaft at fixing point 1c, E1, successively wound around the diverting sheave 124, the first upper sheave 11, the drive sheave 122, one sheave of the right and left suspending sheaves 124, the counterweight-side sheave 123, a remaining sheave of right and left suspending sheaves 125, and having a second end fastened to the counterweight at E2.

7. Yang et al. is silent concerning the counterweight moving space arranged behind the cage moving space in the elevator shaft; a second upper sheave disposed in a top part of a rear space arranged behind the cage moving space in the elevator shaft and disposed near the other of right and left side walls of the cage; the drive sheave disposed below the second upper sheave; the main rope suspending the cage through the second upper sheave.

8. Kobayashi et al. teaches a counterweight 28 vertically moving in a counterweight moving space arranged behind a cage 21 moving space in the elevator shaft and arranged near one of right and left side walls of the cage 21; a first upper sheave 22f; a

second upper sheave 25 disposed in a top part of a rear space arranged behind the cage 21 moving space in the elevator shaft and disposed near the other of right and left side walls of the cage 21; the main rope 23 suspending the cage 21 through the second upper sheave 25.

9. Aulanko et al. teaches a first upper sheave 5; a second upper sheave 4 disposed in a top part of a cage moving space in the elevator shaft 15 and disposed near the other of right and left side walls of the cage 1; a hoist 6 having a drive sheave 7 disposed below the second upper sheave 4; a main rope 3 suspending the cage 1 through the first upper sheave, the drive sheave, and the second upper sheave.

10. It would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the counterweight moving space disclosed by Yang et al. behind the cage moving space in the elevator shaft as taught by Kobayashi et al.; dispose a second upper sheave in a top part of a rear space arranged behind the cage moving space in the elevator shaft and disposed near the other of right and left side walls of the cage as taught by Kobayashi et al. in the elevator disclosed by Yang et al.; and dispose the drive sheave disclosed by Yang et al. below a second upper sheave as taught by Kobayashi et al. to accommodate space restraints within the elevator shaft.

11. **Regarding claim 10**, Yang et al. discloses the cage-side sheaves 120, 121 comprise a first cage-side sheave 120 and a second cage-side sheave 121 disposed at opposite side positions, respectively, on a bottom, surface of the cage 1, and a part of the main rope 101 wound around the first cage-side sheave has a free end fastened to a fixed part in an upper part of the elevator shaft at fixing point 1c, E1.

12. Claim 9 rejected under 35 U.S.C. 103(a) as being unpatentable over Yang et al. GB Patent Application No. 2352221 in view of Kobayashi et al. U.S. Patent No. 6247557 and Aulanko et al. U.S. Patent No. 5823298 as applied to claim 7 above, and further in view of Rutten U.S. Patent No. 6397975.

13. **Regarding claim 9**, Yang et al. is silent concerning a controller disposed above the hoist.

14. Rutten teaches a controller 6 disposed above the hoist 4.

15. It would have been obvious to one of ordinary skill in the art at the time of the invention to dispose a controller as taught by Rutten above the hoist disclosed by Yang et al. to accommodate space restraints within the elevator shaft.

Conclusion

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Pico whose telephone number is 571-272-5589.

The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP


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